

IN THE SENATE

SENATE BILL NO. 1344, As Amended

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO INVASIVE SPECIES; AMENDING SECTION 22-1904, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 22-1908, IDAHO CODE, TO REQUIRE CERTAIN PRESENTATIONS FOR INSPECTION; AMENDING SECTION 22-1910, IDAHO CODE, TO REVISE HOLD ORDER PROVISIONS AND TO PROVIDE THAT HOLD ORDERS SHALL CONTAIN CERTAIN INFORMATION; AND AMENDING CHAPTER 19, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-1910A, IDAHO CODE, TO SPECIFY PROVISIONS FOR ENFORCEMENT BY PEACE OFFICERS AND TO PROVIDE THAT THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE SHALL ISSUE HOLD ORDERS UPON IMPOUNDMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-1904, Idaho Code, be, and the same is hereby amended to read as follows:

22-1904. DEFINITIONS. Unless otherwise noted in this chapter the definitions as set forth in section 22-2005, Idaho Code, are adopted by reference.

(1) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain an invasive species or plant pest. A conveyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a trailer or any other means or method of transportation. "Conveyance" also includes a live well or a bilge area of a watercraft.

(2) "Environmental harm" means to cause significant adverse effects on uses of natural resources or on plants or animals.

~~(23)~~ "Invasive species" means species not native to Idaho, including their seeds, eggs, spores, larvae or other biological material capable of propagation, that cause economic or environmental harm and are capable of spreading in the state. "Invasive species" does not include crops, improved forage grasses, domestic livestock, or other beneficial nonnative organisms.

SECTION 2. That Section 22-1908, Idaho Code, be, and the same is hereby amended to read as follows:

22-1908. AUTHORITY TO CONDUCT INSPECTIONS. (1) In order to accomplish the purposes of this chapter, the director may enter upon and inspect any public or private premises, lands, bodies of water, or means of conveyance, or article of any person within this state, for the purpose of inspecting, surveying, treating, controlling, collecting samples, or destroying any invasive species.

(2) The director may establish check stations at points of entry to the state, or other facilities and sites throughout the state, as necessary to carry out the provisions of this chapter.

1 (3) No person shall proceed past or travel through an established
2 inspection station during its hours of operation while towing, carrying
3 or transporting any conveyance without presenting such conveyance for
4 inspection.

5 SECTION 3. That Section 22-1910, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 22-1910. HOLD ORDER. The director may issue hold orders to take
8 prompt regulatory action in invasive species emergencies on any article,
9 commodity, conveyance, vehicle or other means of transportation entering
10 this state when it is reasonably believed that the article, commodity,
11 conveyance, vehicle or other means of transportation is in violation of
12 this chapter or rules promulgated hereunder. The hold order shall contain
13 contact information for the owner of the article, commodity, conveyance,
14 vehicle or other means of transportation, the reason for the hold order, and
15 the conditions for release.

16 SECTION 4. That Chapter 19, Title 22, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 22-1910A, Idaho Code, and to read as follows:

19 22-1910A. LAW ENFORCEMENT. (1) It shall be the duty of all peace offi-
20 cers within the state of Idaho, as defined by section 19-5101(d), Idaho Code,
21 to enforce the provisions of this chapter by making a complaint or citation
22 as described in section 19-3901, Idaho Code.

23 (2) Peace officers within the state of Idaho, upon reasonable suspi-
24 cion that a conveyance is infested with quagga mussels or zebra mussels, may
25 require a driver of a vehicle to stop and submit to an inspection of the exte-
26 rior of any conveyance(s) in plain view.

27 (3) If the peace officer has probable cause to believe that the con-
28 veyance(s) are contaminated with quagga mussels or zebra mussels, or when
29 a conveyance is found to be contaminated or otherwise carrying quagga mus-
30 sels or zebra mussels, the peace officer shall detain the vehicle and con-
31 veyance(s) and immediately summon a tow truck to transport the conveyance(s)
32 to the nearest available impound yard.

33 (4) Upon impoundment, the director shall issue a hold order as provided
34 in this chapter specifying the conditions for release.